

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY W. BOYKO and MARISA BOYKO,

Plaintiffs,

No. C 09-01739 JSW

v.

QUALITY LOAN SERVICE
CORPORATION, ET AL.,

ORDER OF DISMISSAL

Defendants.

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This matter was set for a hearing on July 17, 2009 on the Defendants Federal Deposit Insurance Corporation and Mortgage Electronic Registration Systems, Inc.'s motion to dismiss the complaint, or in the alternative, for a more definite statement. On April 28, 2009, the Court ordered that an opposition to the motion had to be filed no later than May 13, 2009 and a reply had to be filed no later than May 20, 2009.

Thereafter, the Court granted the motion to withdraw as counsel from counsel for Plaintiffs Randy W. Boyko and Marisa Boyko based on their failure to pay attorneys' fees and extended the deadline for Plaintiffs to oppose the pending motion to dismiss to September 14, 2009 to file an opposition. The Court received no opposition to the motion to dismiss.

On September 24, 2009, this Court vacated the hearing on Defendants' motion to dismiss and ordered Plaintiffs to show cause in writing by no later than October 9, 2009 why this case should not be dismissed for failure to prosecute. The Court admonished Plaintiffs that failure to respond to the order to show cause by October 9, 2009 would result in dismissal of

1 this matter without prejudice.

2 Having received no response to this Court's order to show cause, the Court DISMISSES
3 this action without prejudice. The Clerk shall close the file.

4 Although Plaintiffs were directed to update their contact information with the Court,
5 they have failed to do so. Therefore, Defendants Federal Deposit Insurance Corporation is
6 HEREBY ORDERED to serve a copy of this Order on Plaintiffs and to file a proof of service by
7 no later than October 23, 2009, 2009.

8
9 **IT IS SO ORDERED.**

10 Dated: October 16, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE